Digital Image, 2011, The Ida M. Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.

Letter from John T.Brady.

(Copy)

(Mr.Brady was a juror in the Armstrong case. He is now president of the National Bank of Pomona,California.)

Pomona, California, May 12th, 1896.

J.McCan Davis, Esq.,

Springfield, Ill.

Dear Sir:

Yours of May 6th has been received,and in reply would say I remember the leading incidents of the Armstrong trial and especially Mr.Lincoln's cross-examination of the witness for the state,Mr.Allen,and his(Allen's) evidence that led to the use of the almanac. My remembrance is Allen swore it was about 9 p.m. Armstrong and Metzker had the fight,and that the moon was overhead,about where the sun would be about 1 p.m. When Lincoln cross-examined him,and by questions made him say about a half a dozen times where the moon was,and he always insisted it was about where the sun would be at 1 p.m. Allen was on the stand for hours(?),and Lincoln was very good to him,encouraging him by supplying words as he hesitated for them and telling him not to get excited,but keep quiet and tell everything just as he saw it. My recollection is that when Lincoln opened the case for the defense he took off his coat and vest and removed his cravat (a large black silk hdkf.,worn over an old-fashioned stock) and unbuttoned his shirt collar. (The weather was very warm.)(?) He had on the table before him a great pile of notes written on foolscap paper,and for his assistant he had,I think, a lawyer from Havana,Ill.,named Walker,and as Mr. Lincoln proceeded Mr.Walker kept run of the notes; but Mr.Lincoln never once during his reviewing of the case,which took him something

over a day,referred to the notes. When he came to Allen's testimony regarding the moon,my recollection is he picked up the almanac up from the table that held his notes and papers. I do not remember what almanac it was,but have an impression it was Jayne's. The question as to the date of the almanac was never raised,and I believe it was a correct almanac (of 1857). When Lincoln introduced the almanac,the prosecuting attorney very strongly objected,and Judge Harriott asked to see it; and my recollection is that the Judge examined it,and then passed it to the prosecuting attorney,and after he examined it Mr.Lincoln passed it to the foreman of the jury,and the jurors looked it over. ~~Then~~ The Judge ruled to admit the almanac. Then Mr.Lincoln made the point that "Allen must have been mistaken, as from the evidence of the almanac the moon was just going down". Then the prosecuting atterney made the remark "it was not going down, but just coming up",and Lincoln replied "it did not matter,for if it was just going down or just coming up,it was not overhead where the sun would be at 1 p.m.,according to Allen's testimony".

The impression of the almanac evidence led the jury to the idea that if Allen could be so mistaken about the moon,he might have been mistaken about seeing Armstrong hit Metzker with a slung-shot, although Allen impressed me with the idea ~~that~~ he was telling what he believed to be the truth.

My recollection is the jury was not out over half or three-quarters of an hour,just long enough to take one ballot,and as the jury retired I heard Mr.Lincoln say to Mrs.Armstrong,who was in the court room: "Your son will be a free man before the sun goes down." This was sometime during the afternoon. Mrs.Armstrong was in the court room when the jury returned,and was visibly affected by the verdict.(?) Then Mr.Lincoln took the boy,young Armstrong,by the hand and gave him

Digital Image, 2011, The Ida M.Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.

a good,sound talking to in regard to his wayward conduct,and told him how he should govern himself so as to honor his dead father's name and be a comfort to his mother. Mrs.Armstrong was weeping,and she turned to Mr.Lincoln and said: "Abe,I knew you would save my boy." She wore a calico dress and an old-fashioned slat sun-bonnet. During the trial the prosecuting attorney brought out the fact that the Metzkers tried to retain Lincoln for their attorney,and that when they told him who the accused murderer was he refused to take the case,but sent word at once to Mrs.Armstrong he would defend her boy if she wanted him to.(?) Lincoln made a speech which visibly affected everyone in the court room--judge,jury,lawyers and people---relating what a debt of gratitude he was under to Mr.and Mrs.Armstrong for a home when he was homeless and in need,and that Mrs.Armstrong had been a mother to him,and he was only trying to partially repay a debt of gratitude in defending her son,and there was not enough in Illinois to have hired him to take a case against her.

About the slung-shot,I remember the evidence of the witness, young Mr.Wadkins,who lived in the "barrens" northeast of Petersburg. He sore Armstrong never had the slung-shot. He made it himself, making the covering out of a boot-leg and using the instep to cover the shot,which was of lead and zinc. He swore that on the night of the fight he slept under a wagon,and in lying down the slung-shot was in his way and he took it out and laid it on the "reach" of the wagon above him and got up in the morning and forgot it. All this he swore to before the slung-shot was produced,and when it was produced it proved to be just as he had described it. Major Hugh Fullerton was prosecuting attorney,with J.H.Shaw assistant.

Respectfully,

(Signed) J.T.Brady.

Digital Image, 2011, The Ida M. Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.

N.B. Some three months after the trial I was in the neighborhood where Wadkins lived buying cattle,and was with young Wadkins all of one day. (He was the slung-shot witness.) He was a young man about my own age (about twenty-three) and he gave me a full account of the fight between Armstrong and Metzker,and what A.struck M.with. The fight was at x x a camp meeting in Mason County around a huckster's wagon where they were selling whiskey,cider and cigars. The men were drinking and got into a dispute,and Wadkins said Armstrong picked up an old-fashioned wagon hammer off the counter and struck Metzker with it,and he saw him do it. When Wadkins was summoned as a witness he was frightened for fear he would be obliged to tell all he knew,which he did not wish to do,as Armstrong was a cousin,or some relative. The other witnesses all swore Armstrong just struck Metzker with his fist. Wadkins told me they w re all friends of Armstrong and wished to protect him. Wadkins told Lincoln he feared he would be cross-examined and would have to tell all he knew,and he did not want to lie about it. Mr.Lincoln assured him he would only be cross-questioned about the questions he put to him,and so he confined his questions to the slung-shot and Wadkins got off easy. This ink item you may not wish to use,as you say the defendant is still alive,and so it might open an old wound and lead to controversy. You must use your own judgment. I only give it as given to me by Wadkins,and he positively told me he saw Armstrong hit Metzker with the wagon hammer.

(Signed) J.T.Brady.

Digital Image, 2011, The Ida M.Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.